IN THE

Supreme Court of the United States

October Term, 1965
No. 702

C. D. DRAUCKER, INC., a corporation; FISCHBACH AND MOORE, INC., and C. D. DRAUCKER, INC., a Joint Venture; *sub nom*, FISCHBACH AND MOORE, INC., a corporation; C. D. DRAUCKER, INC., a corporation; FISCHBACH AND MOORE, INC., and C. D. DRAUCKER, INC., a Joint Venture,

Petitioner,

vs.

INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL-CIO, LOCAL No. 12, a labor organization and unincorporated association,

Respondent.

Statement of Respondent in Response to Petition for Writ of Certiorari.

In light of this Court's granting of certiorari in *International Union, UAW v. Hoosier Cardinal Corp.*, No. 387 (October Term, 1965), where the issue of the appropriate limitation period under section 301(a) of the Labor-Management Relations Act (the LMRA) [29 U.S.C. § 185(a)] is raised, the respondent does not oppose the petition for a writ of certiorari in this case.

Should certiorari be granted, the respondent intends to urge, as it did below, the application of the six-month limitation period contained in section 10(b) of the LMRA. We would argue for the adoption of this period not only for suits under section 303, but also for suits under section 301(a).

The Court below agreed that "there are strong reasons for the application of a six-month period, borrowed from § 10(b) of the LMRA," Opinion of the court, page 3 of Appendix A of Petition for Writ of Certiorari, and we would appreciate the opportunity of bringing these reasons to this Court's attention.[1]

Conclusion.

For the foregoing reasons, the respondent does not oppose the petition for a writ of certiorari.

Respectfully submitted,

BRUNDAGE & HACKLER,
CHARLES K. HACKLER,
JULIUS REICH,
Attorneys for Respondent.

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[1]The respondent also argued below that the petitioner was not entitled to any recovery because it did not have standing to sue, and because the conduct of the respondent was not unlawful. The court found it unnecessary to pass upon these arguments; however, the respondent still considers them to be live issues.